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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/083,032

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EXAMINER

TROTTER, SCOTT S

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

09/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/083,032		KOLLS, H. BROCK	
	Examiner		Art Unit	
	SCOTT S. TROTTER		3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 23-152 and 154-156 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 15, 18, 23, 24, 52, 54, 66, 82, 88, 114, 132, 135-138, 146, 149, 152, and 154-156 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 2,3,6-14,16,17,19-21,25-51,53,55-65,67-81,83-87,89-113,115-131,133,134,139-145,147,148,150 and 151.

DETAILED ACTION

1. This action is in response to the amendment received June 12, 2009. Claims 1-21, 23-152, and 154-156 are pending but claims 2, 3, 6-14, 16, 17, 19-21, 25-51, 53, 55-65, 67-81, 83-87, 89-113, 115-131, 133, 134, 139-145, 147, 148, 150, and 151 are withdrawn from consideration. Claims 22 and 153 are cancelled.

Response to Arguments

2. Applicant's arguments were considered but were not persuasive. Regarding McGarry being limited to returning data upon request or at previously scheduled times. Given by the citing of paragraph 21 it is contradicted by paragraphs 49 and 53. Both a particular event and a high priority alarm would be events received from the vending machine and they cause the queue to be sent.

3. Applicant(s) attempt at traversing the Official Notice findings as stated in the previous Office Action (Paper No. 02/20/2009, Paragraph No. 7) is inadequate. Adequate traversal is a two step process. First, Applicant(s) must state their traversal on the record. Second and in accordance with 37 C.F.R. §1.111(b) which requires Applicant(s) to specifically point out the supposed errors in the Office Action, Applicant(s) must state *why* the Official Notice statement(s) are not to be considered common knowledge or well known in the art. In this application, while Applicant(s) have clearly met step (1), Applicant(s) have failed step (2) since they have failed to argue *why* the Official Notice statement(s) are not to be considered common knowledge or well known in the art. Because Applicant(s)' traversal is inadequate, the Official Notice statement(s) are taken to be admitted as prior art. See MPEP §2144.03. This is for

claim 155 which did not appear to be argued as for claim 156 the referential support that was provided with it in the previous office action is being used to reject it.

4. All other arguments were considered but were not persuasive.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 5, 15, 23, 24, 54, 66, 82, 88, 114, 132, 135-138, 146, 152, and 154 rejected under 35 U.S.C. 103(a) as being unpatentable over McGarry et al. (European Patent Application EP 0,986,033 A2 which was cited in the IDS dated 5/22/2008 referred to hereafter as McGarry) in view of Howell et al. (U.S. Patent 6,462,644 hereafter Howell) and (Editor & Publisher Vol. 126, Iss. 24 Page 62 hereafter E&P).

As per claim 1 McGarry teaches:

A semiconductor comprising:

a memory; (*see McGarry paragraph 6*)

a vending equipment interface for connecting the semiconductor to a vending machine; (*see McGarry paragraphs 20 and 21*)

an interactive interface for connecting the semiconductor to a computing platform; (*see McGarry paragraph 21. Connecting to a remote host to configure the audit module is an interactive interface.*) and

a microprocessing unit interconnected with the vending equipment interface, the interactive interface, and the memory that constructs and manages a vending machine transaction string in the memory, the vending machine transaction string comprising data fields, the micro processing unit configured to update the data fields to record vending machine transactions received through the vending equipment interface, the micro processing unit configurable in at least two different configurations responsive to commands received from the computing platform via the interactive interface, the at least two different configurations including a first configuration in which vending machine transaction data is automatically communicated to the computing platform responsive to the microprocessing unit updating the data fields of the vending machine transaction string and a second configuration in which vending machine transaction data is communicated to the computing platform responsive to the computing platform requesting the vending machine transaction data.

While McGarry teaches a device that is connected to a vending machine to monitor vending machine data and keep a database of what it is monitoring. (see *McGarry paragraph 5*) It also teaches being able to modify how that data is retrieved including sending it when requested or sending it when a particular event occurs where the event can originate from the vending machine. (see at least *McGarry paragraphs 7, 49 and 53*) While it does not explicitly teach what format that data will be stored in or the format it will be sent in Howell teaches sending data in MDB Transaction strings. (See *Howell column 4 lines 28-47*. Connections made using the MDB protocol will inherently use MDB TRANSACTION STRINGS to communicate which requires such

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strings to be constructed in memory.) While Howell is not explicit about sending transaction data E&P teaches compiling transaction data from vending machines and then uploading it to a server where it could be sent to banks for payment. (*See E&P page 2 paragraph 2.*) Therefore it would have been obvious to a user of ordinary skill in the art at the time the invention was made to use the monitoring and reconfigurable interface taught in McGarry with the data format taught in Howell in order to monitor transaction data on a vending machine and send it to a central server as taught by E&P.

As per claims 4, 15, 114 while McGarry does not explicitly teach what kind of vending machine interface was used. Howell taught using one that could be connected to either a MDB or DEX compliant controller. (*See Howell column 4 lines 35-38*) Therefore it would have been obvious to a user of ordinary skill in the art at the time the invention was made to use at least one of those interfaces to retrieve information from the vending machines.

As per claim 5 McGarry and Howell teaches:

The semiconductor in accordance with claim 1 wherein, said vending equipment interface comprises a UART, said UART being configured to data communicate eight data bits and one address bit in addition to start and stop bits. (*See Howell Fig. 3.* An RS232 is a UART. A UART can be configured to transmit data in any serial format. Therefore while McGarry and Howell do not explicitly disclose formatting the data in a particular way it would have been obvious to a person of ordinary skill in the art at the time the invention was made to select a format that could transmit the needed data.)

As per claim 23 McGarry teaches one the kinds of data to be included being the price of an item. (*see McGarry paragraph 32*)

As per claim 24 clearing the data buffer is inherent with receiving data otherwise only one message could ever be received. (*see McGarry paragraph 30*. Establishing communication channels calls for receiving more than one message.)

As per claim 54 see the rationale of claim 1 above terminating connections is inherent in maintaining data connections otherwise it would be necessary to maintain a near infinite number of connections.

As per claim 66 McGarry teaches the device sending captured data to the host based on received commands. (*see McGarry paragraph 7*)

As per claim 82 McGarry and Howell teaches:

The semiconductor in accordance with claim 1 wherein, said computing platform by way of said interactive interface data communicates a command to said semiconductor to request said semiconductor communicate with a printer. (*See Howell Fig. 3*. The specification states the printer connection can be an RS232 connection, which is included in Howell making it obvious to attach a printer to the RS232 connection belonging to the device in Howell. While a printer is not shown in Howell it would have been obvious to a person of ordinary skill in the art at the time the invention was made that a printer could be connected via the RS232 connection.)

As per claim 88 while McGarry does not explicitly teach communicating configuration data it does teach sending data from the audit module to the host. (*See McGarry paragraph 7*) Howell teaches sending such handshaking data. (*see Howell*

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column 4 lines 64-67) Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to request the sending of such handshaking data to setup the communication channels used in McGarry.

As per claim 132 McGarry teaches:

A semiconductor implementing an interactive interface communication protocol with a computing platform, said semiconductor comprising:

a memory; (*see McGarry paragraph 6*)

a vending equipment interface for connecting the semiconductor to a vending machine; (*see McGarry paragraphs 20 and 21*)

an interactive interface for connecting the semiconductor to a computing platform; (*see McGarry paragraph 21. Connecting to a remote host to configure the audit module is an interactive interface.*)

and

a micro processing unit interconnected with the vending equipment interface, the interactive interface, and the memory that constructs and manages a vending machine transaction string in the memory, the vending machine transaction string comprising data fields, the micro processing unit configured to update the data fields to record vending machine transactions received through the vending equipment interface, the micro processing unit configurable in at least two different configurations responsive to commands received from the computing platform via the interactive interface, the at least two different configurations including a first configuration in which vending machine transaction data is automatically communicated to the computing platform

responsive to the microprocessing unit updating the data fields of the vending machine transaction string and a second configuration in which vending machine transaction data is communicated to the computing platform responsive to the computing platform requesting the vending machine transaction data.

While McGarry teaches a device that is connected to a vending machine to monitor vending machine data and keep a database of what it is monitoring. (see *McGarry paragraph 5*) It also teaches being able to modify how that data is retrieved including sending it when requested or sending it when a particular event occurs where the event can originate from the vending machine. (see at least *McGarry paragraphs 7, 49 and 53*) While it does not explicitly teach what format that data will be stored in or the format it will be sent in Howell teaches sending data in MDB Transaction strings. (See *Howell column 4 lines 28-47*. Connections made using the MDB protocol will inherently use MDB TRANSACTION STRINGS to communicate which requires such strings to be constructed in memory.) While Howell is not explicit about sending transaction data E&P teaches compiling transaction data from vending machines and then uploading it to a server where it could be sent to banks for payment. (See *E&P page 2 paragraph 2*.) Therefore it would have been obvious to a user of ordinary skill in the art at the time the invention was made to use the monitoring and reconfigurable interface taught in McGarry with the data format taught in Howell in order to monitor transaction data on a vending machine and send it to a central server as taught by E&P.

As per claims 135, 138, 146 while McGarry does not explicitly teach what kind of vending machine interface was used. Howell taught using one that could be connected

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to either a MDB or DEX compliant controller. (*See Howell column 4 lines 35-38*)

Therefore it would have been obvious to a user of ordinary skill in the art at the time the invention was made to use at least one of those interfaces to retrieve information from the vending machines.

As per claim 136 McGarry and Howell teaches:

The semiconductor in accordance with claim 132 wherein, said vending equipment interface comprises a UART, said UART being configured to data communicate eight data bits and one address bit in addition to start and stop bits. (*See Howell Fig. 3. An RS232 is a UART. A UART can be configured to transmit data in any serial format. While no particular format is suggested in Howell it would have therefore been obvious to a person of ordinary skill in the art at the time the invention was made to select a format that could transmit the needed data and eight data bits with a data parity check bit and start and stop bits is a standard format.*)

As for claim 137 McGarry and Howell teaches:

The semiconductor in accordance with claim 136 wherein, said semiconductor by way of said UART detects a valid address byte data communicated from said vending machine, said valid address byte indicates data to follow from said vending machine is intended for said semiconductor, upon detecting said valid address byte said semiconductor data communicates with said vending machine. (*See Howell Column 4 Line 64-Column 5 Line 3. The handshaking is two devices agreeing that they are meant to talk to each other and how they are going to format the messages. The valid address byte is the equivalent of a phone number and it is just confirming the right number was*

called before sending the data. Detecting an address is a standard part of the Ethernet protocol. While Howell does not explicitly disclose the details involved in handshaking they would be obvious to a person of ordinary skill in the art at the time the invention was made.)

As per claim 152 while McGarry does not explicitly teach what kind of vending machines are being monitored Howell teaches monitoring beverage style vending machines. (see *Howell figures 1 and 4A*. In figure 1 it looks like a cold beverage machine, In figure 4A a data source is a Bottler which would be a beverage machine.) Therefore it would have been obvious to a user of ordinary skill in the art at the time the invention was made to monitor data from beverage vending machines.

As per claim 154 one of the conditions McGarry teaches monitoring is sold-out. (see *McGarry paragraph 2*.) Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to monitor Vend State such as being sold out of a particular product.

7. Claims 18 and 149 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGarry in view of Howell, E&P and Squires (U.S. Patent 7,032,038 B1).

As per claim 18 McGarry and Howell teach:

The semiconductor in accordance with claim 1 wherein, said vending equipment interface comprises a UART, (See *Howell Figure 3*. RS232 is a UART. But Howell does not address pin level configurability.) said UART transmit line is pin level configurable during non-data communication idle states to a high impedance state or a low signal level state. (See *Squires claims 1 and 2*. Claim 1 is pin level configurable

device and claim 2 is that device being a UART. Since the Squires device does not have a bypass it will supply high impedance, low signal level when it is off.)

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the pin level configurability of the Squires device for greater ease of use in the McGarry and Howell devices. (*See Squires abstract.*)

As per claim 149 Howell teaches:

The semiconductor in accordance with claim 132 wherein, said vending equipment interface comprises a UART, (*See Howell Figure 3. RS232 is a UART. But Howell does not address pin level configurability.*) said UART transmit line is pin level configurable during non-data communication idle states to a high impedance state or a low signal level state. (*See Squires claims 1 and 2. Claim 1 is pin level configurable device and claim 2 is that device being a UART. Since the Squires device does not have a bypass it will supply high impedance, low signal level when it is off.*)

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the pin level configurability of the Squires device for greater ease of use. (*See Squires abstract.*)

8. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGarry in view of Howell, E&P and Miller et al. (U.S. Patent 5,959,869).

McGarry and Howell teach:

The semiconductor in accordance with claim 1, wherein said computing platform by way of said interactive interface data communicates a command to said semiconductor to request said semiconductor data communicate MDB TRANSACTION

STRING data (*See Column 4 Lines 28-47. Connections made using the MDB protocol will obviously use MDB TRANSACTION STRINGS to communicate.*) and card reader data to said computing platform (While Howell does not explicitly teach sending card reader data Miller teaches the MDB bus as a standard for communicating with card readers which are well known in the vending machine industry. *See Miller Column 11 Lines 19-22.*)

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to send the MDB TRANSACTION String data and the card reader data to the computing platform where it could be data mined for marketing opportunities that might further vending machine profitability.

9. Claim 155 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGarry in view of Howell, E&P and Official Notice.

As per claim 155 McGarry, Howell and E&P teach:

The semiconductor in accordance with claim 1, wherein said vending equipment interface is configured to receive power from and data communicate with the vending machine (*see McGarry Figure 25*) such that the semiconductor operates using the power received via the vending equipment interface.

McGarry does not explicitly teach how the audit device is powered but Official Notice is taken that it is old and well known in the art of electronic devices to put devices such as modems into computers that are powered by the computer therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was

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made to power a module to be installed in a vending machine using power from the vending machine.

10. Claim 156 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGarry in view of Howell, E&P and Duntemann (PC Techniques C/C++ Power Tools by Jeff Duntemann and Keith Weiskamp, Copyright 1992, hereafter Duntemann).

As per claim 156 McGarry, Howell and E&P teach:

The semiconductor in accordance with claim 1, but do not explicitly teach the communication protocol described but communication protocols where the parameters can be adjusted by users such as asynchronous communication are taught by Duntemann (*see at least Duntemann page 284 bottom of the page where several parameters for the communication protocol can be changed*). One of the parameters is the baud rate which can control the interval before the next message can be sent since in a single line communication channel a message can't be sent until the first message is finished being received the baud rate determines how long a delay between the start of the last character of the message and the end of that character ending the message and allowing the next message to be sent. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to be able to change parameters in a communications protocol to transfer data between devices using parameters needed to accomplish the job. According to page 100 of the applicant's specification the protocol being described is the MDB protocol which Howell uses to communicate. Therefore it would have been obvious to a person of ordinary

skill in the art at the time the invention was made to use ordinary techniques with an expectation of success.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- PC Techniques C/C++ Power Tools HAX, Techniques, and Hidden Knowledge by Duntemann and Weiskamp teach using asynchronous serial connections including setting baud rates, and buffer size.

12. Any inquiry concerning this communication from the examiner should be directed to Scott S. Trotter, whose telephone number is 571-272-7366. The examiner can normally be reached on 8:30 AM – 5:00 PM, M-F.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on 571-272-6712.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15. The fax phone number for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 (Official Communications; including After Final
Communications labeled "BOX AF")

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(571) 273-6705 (Draft Communications)

sst

9/15/2009

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694